

1 sometimes ten days. It may take sometimes five
2 days. We don't know that. When it ends up at
3 civil service, this is when the real work starts.

4 Q. What is the shortest amount of time that it
5 has ever taken for you to hire an employee in?

6 And let me clarify. From the day you prepare the
7 requisition to the day that employee walks in the

8 door and says, I'm here, ready to work for you?

9 A. Shortest?

10 Q. Shortest amount of time, start to finish.

11 A. It's a difficult question.

12 Q. Okay.

13 A. You know, because I don't keep track of when

14 I do things. It's a very difficult question to

15 answer. Do you know what I mean? You do things

16 the way it is. Sometimes we never get hired.

17 Sometimes you put your application -- your

18 request, you know, to hire somebody and it stops

19 somewhere, it never happens, there is no money.

20 So you know, you're asking me a very difficult

21 question to answer you.

22 Q. Okay. So you've hired between eight and ten
23 employees in your department -- in your division?

24 A. Eight and ten? I've hired, yes, sir -- yes,
25 ma'am.

1 Q. You've hired between eight and ten?

2 A. Yes.

3 Q. So just from those eight to ten persons that
4 you have hired in as manager, can you recall
5 specifically, with any one of those people, what
6 the shortest amount of time it was to process
7 their hiring papers to get them in the door from
8 the time you first requested it?

9 A. Almost probably around 30 days.

10 Q. Can you tell me what the longest was, how
11 long it ever took you to fill a position?

12 A. I know for a fact sometimes six months,
13 because the money wasn't there. We had to wait
14 until the money is allocated.

15 Q. And is there an average?

16 A. Average what?

17 Q. Is there an average amount of time?

18 A. It's like a lottery. You never know. You
19 make the application -- or you make your request
20 and you wait until you hire somebody. Sometimes
21 it comes early. Sometimes it comes late.

22 Q. Could you tell me what the job duties were
23 of Vicki Elder while she worked in your division?

24 A. Her job duties?

25 Q. Yes.

1 in your division?

2 A. Okay. Leave of absence, what do you mean by
3 "leave of absence"?

4 Q. Where she needed time off of work for an
5 extended period of time.

6 A. I don't recall exactly that, but you know,
7 the records will show.

8 Q. Okay. Can you tell me why Ms. Elder no
9 longer works for your division?

10 A. She resigned.

11 Q. Do you know why she resigned?

12 A. She resigned, to my knowledge, because the
13 city didn't approve her request for leave and she
14 didn't have any basis to request her leave.

15 Q. Do you know why she was requesting a leave?

16 A. The way I understand it from her, that it
17 was because she had baby-sitting problems.

18 Q. And you're saying that the city did not
19 approve. Who specifically denied that leave
20 request?

21 A. Me and my supervisor.

22 Q. Okay. And why did you not approve her
23 leave?

24 A. Because of our workload. We are small
25 divisions. We don't have a lot of people working

1 there. It puts a strain on everybody.

2 Q. Do you recall how long Ms. Elder requested
3 leave, the length of time she requested a leave
4 of absence?

5 A. I don't recall now. I think she requested
6 three, four months. I don't know. You know,
7 there is a letter in the file what she requested.

8 Q. Do you recall if that request was revised at
9 any point in time?

10 A. I don't recall that.

11 Q. When you say that granting the leave would
12 put a strain on workload -- or a strain on the
13 department, that's what you testified to,
14 correct?

15 A. Right.

16 Q. That was the reasons you denied it?

17 A. Right. I have to take care of my customers
18 at the counter.

19 Q. Was it your understanding that if Ms. Elder
20 was not granted this leave of absence, that she
21 would have no choice but to resign her position?

22 A. No.

23 MR. CHILDS: Object. You can
24 answer.

25 THE WITNESS: No.

1 MR. CHILDS: K-i-d-d-e-r.

2 BY MS. CORSO:

3 Q. When Ms. Elder first requested her leave of
4 absence, which you recall as being three to four
5 months, did you ask your director, Mr. Kidder, if
6 you could cover her position with a temporary
7 transfer?

8 A. No.

9 Q. Why did you not ask?

10 A. Because I was trying to work with her to see
11 if we could use the time she was off, if we could
12 work with her to see what was the best way to do
13 it. And I wrote her some notes to tell her, you
14 know, "Let's see if we can work with you, work
15 two, three days a week and find a way to take
16 care of the day care center." You know, she has
17 a husband that works for the city also. Both of
18 them have the same privileges. He can stay home
19 one day with the kid and she can stay.

20 Q. Would it still have put a strain on your
21 department to have an employee there only part
22 time during the week?

23 A. Of course.

24 Q. Would you have needed a temporary transfer
25 to cover the other days of the week if she went

1 look at the workload.

2 Q. Okay. But you never inquired as to a
3 temporary transfer for the department, correct?

4 A. No.

5 Q. But you could have had a temporary transfer
6 within two days you said?

7 MR. CHILDS: Object, but you can
8 answer.

9 THE WITNESS: Sometimes. I didn't
10 say yes. First, it has to be availability.
11 Second, it has to be approved.

12 BY MS. CORSO:

13 Q. But you didn't even inquire?

14 A. No.

15 Q. Have you ever received temporary transfers
16 into your department?

17 A. Yes.

18 Q. And how long has it taken in those instances
19 to get a temporary transfer? What's the shortest
20 amount of time?

21 A. Oh, sometimes two or three days, four days.

22 Q. So it has happened before in two or three
23 days?

24 A. Oh, yeah, oh, yeah.

25 Q. Why didn't you ask for a temporary transfer?

1 are willing to work with you," and I sent her a
2 letter to this effect.

3 Q. Did you tell her that she was being denied
4 the leave because of workload issues, that you
5 couldn't be without a person in that position --

6 A. Right.

7 Q. -- for that long?

8 A. Right. Me and the supervisor, we met with
9 her.

10 Q. But you never looked into finding a
11 temporary replacement to cover her during that
12 period?

13 A. No.

14 Q. Why not?

15 MR. CHILDS: Object, but you can
16 answer. Go ahead.

17 THE WITNESS: Why not?

18 BY MS. CORSO:

19 Q. Why not?

20 A. It's very difficult to get a temporary
21 position to do her work, to teach them for three
22 months what she needs to do.

23

24

25

1 this letter?

2 A. This is what I read.

3 Q. Okay. And in this letter, it is stating
4 that Ms. Elder now only needs a leave of absence
5 up until March 20th, correct?

6 A. Right.

7 Q. Did you consider this revised leave of
8 absence request from Ms. Elder?

9 A. We didn't -- we didn't -- we reviewed it
10 with my supervisor and it was too long of length
11 of time to do it when she was completely out. We
12 were willing to work with her on a weekly basis
13 until she finds a solution for her child care.

14 Q. So what was your reason for denying the
15 one-month leave of absence?

16 MR. CHILDS: Object as to the
17 form of the question, but he can answer.

18 THE WITNESS: Again, we don't have
19 enough employees to do the work that we need to
20 be doing.

21 BY MS. CORSO:

22 Q. It is explained in this letter that if
23 Ms. Elder is not granted this leave, she would
24 have to resign her position, correct?

25 A. (Witness nodding head up and down.)

1 A. At this time I didn't know if I could have a
2 person sooner or later.

3 Q. You had no idea whether or not it would take
4 you more than 30 days to fill a position?

5 A. I didn't know that, because I do the request
6 and I work on my supervisor to get me somebody.

7 Q. Did you request a temporary transfer?

8 A. Temporary transfer?

9 Q. Yes.

10 A. No.

11 Q. Why not?

12 A. Because any temporary transfers, the people
13 are not used to working with what we do. Our
14 work is completely different than any other
15 clerical work.

16 Q. And they can't learn?

17 A. For a temporary transfer for three months or
18 two months or one month, they can't learn. That
19 would be doing items that we don't really need.
20 I needed somebody to work the counter. I needed
21 somebody to work with people.

22 Q. And it takes somebody over three months to
23 learn how to work with people?

24 A. Oh, sometimes it takes a year. It depends
25 about the person. We work with them until they